## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

HENRY CULLINS, :

NO. 1:12-CV-0102

Plaintiff, :

:

:

v. : ORDER

.

OFFICER PAGE, et al.,

:

Defendants. :

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 18) and Plaintiff's objections thereto (doc. 22). In her Report & Recommendation, the Magistrate Judge recommends that Defendants' motion for summary judgment be granted because Plaintiff failed to first exhaust his administrative remedies before filing suit.

Plaintiff objects to the Magistrate Judge's Report and Recommendation, alleging as he did in his response to Defendants' motion that he was unable to exhaust his remedies because he was prevented from doing so by prison officials (doc. 22). Unfortunately for Plaintiff, he has not shown that his failure to exhaust his administrative remedies should be excused. Specifically, while Plaintiff has alleged that he was prevented from exhausting his remedies, he has not brought forth

any evidence showing how, when and by whom. In his objections,

he reiterates his claim that it was not his fault that he did

not exhaust his remedies, but he again fails to show why.

The exhaustion of administrative remedies is

mandatory. Jones v. Bock, 549 U.S. 199, 211 (2007). Plaintiff

has failed to exhaust his remedies and has provided no evidence

supporting his allegation that he was unable to do so through no

fault of his own. Therefore, Defendants are entitled to

judgment as a matter of law.

Having reviewed this matter pursuant to 28 U.S.C.

§636(b), the Court agrees with the Magistrate Judge's assessment

and is unpersuaded by Plaintiff's objections. The Court

therefore adopts and affirms the report in its entirety.

Accordingly, Defendants' motion is granted (doc. 9), Plaintiff's

complaint is dismissed with prejudice, and this matter is closed

on the Court's docket. Pursuant to 28 U.S.C. §1915(a)(3), an

appeal of this Order would not be taken in good faith.

SO ORDERED.

Dated: March 21, 2013

s/S. Arthur Spiegel\_\_\_\_\_

S. Arthur Spiegel

United States Senior District Judge

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